

Remarks

The following numbered paragraphs are provided to respond to the similarly numbered paragraphs in the Office Action (e.g., paragraph "1" below corresponds to paragraph 1 in the Office Action).

1-3 and 5. The Examiner indicated in the most recent Office Action that the earliest filed specification related to the present application "suggests that the memory device and the processor have some type of RF communication means". To this end Applicant has amended claim 1 to eliminate the reference to a sensor and to now require that a processor receives specifying information via radio frequency technology from a memory device. This limitation is clearly supported by the earliest specification which predates Yarin and therefore Yarin has been removed as a prior art reference.

4. Claims 3 and 6 have been cancelled and limitations in claims 4, 5, 7-10 and 15 related to the sensor have been cancelled.

6. The Office Action indicated that claims 27-29 and 33 are not supported by prior application specification and therefore that Yarin is prior art to those claims. Applicant has amended claim 22 which each of claims 27-29 and 33 depend from to overcome the cited references and therefore whether or not Yarin predates claims 27-29 and 33 is irrelevant as no reference or combination of references teaches the limitations of independent claim 22.

7. The Office Action rejected each of claims 1-11, 15, 17, 27-29 and 33 as anticipated by Yarin. Each of claims 3, 6 and 11 have been cancelled.

Each of claims 27-29 and 33 depend from claim 22 and therefore includes the claim 22 limitations. Claim 22 is not indicated as having been anticipated by Yarin and therefore none of dependent claims 27-29 and 33 could be anticipated by Yarin.

With respect to claim 1, claim 1 has been amended so that it is supported by a related earlier application related to the current application where the earlier application predates Yarin and therefore Yarin should not be considered prior art to the present application and claim 1 and claims 2, 4, 5, 7-10, 15 and 17 that depend there from are not anticipated.

8-9. The Office Action indicated that each of claims 22 and 107 are anticipated by Glynn. Applicant has amended each of claims 22 and 107 to overcome Glynn.

Claim 22 now requires that a sensor receive data from a specifying device via RF communication. Glynn teaches bar codes and not RF communication. For at least this reason Applicant believes amended claim 22 and claims that depend there from are novel over Glynn.

Claim 107 now requires that a specifying device on a container include a machine readable and writable memory strip. Glynn fails to teach or suggest a machine readable/writable memory strip on a container and instead teaches bar codes which clearly are not machine writable. For at least this reason Applicant believes amended claim 107 and claims that depend there from are novel over Glynn.

10-11. The Office Action indicated that each of claims 22-26, 107 and 108 are anticipated by Mucciacciaro. Applicant has amended each of claims 22 and 107 to overcome Mucciacciaro.

Claim 22 now requires that a sensor receive data from a specifying device via RF communication. Mucciacciaro teaches shaped extension members for indicating medicament type and not RF communication. For at least this reason Applicant believes amended claim 22 and claims that depend there from are novel over Mucciacciaro.

Claim 107 now requires that a specifying device on a container include a machine readable and writable memory strip. Mucciacciaro fails to teach or suggest a machine readable/writable memory strip on a container and instead teaches bottom surface shapes that are not machine writable. For at least this reason Applicant believes amended claim 107 and claims that depend there from are novel over Mucciacciaro.

12. The Office Action indicated that claims 23-26 and 108 are obvious over Glynn in view of Mucciacciaro. Applicant has amended each of claims 22 and 107 to overcome Glynn in view of Mucciacciaro.

Claim 22 now requires that a sensor receive data from a specifying device via RF communication. Neither Mucciacciaro nor Glynn teaches or suggests RF communication. For at least this reason Applicant believes amended claim 22 and claims that depend there from are non-obvious over Glynn in view of Mucciacciaro.

Claim 107 now requires that a specifying device on a container include a machine readable and writable memory strip. Neither of Mucciacciaro nor Glynn teaches or suggests a machine readable/writable memory strip on a container. For at least this reason Applicant believes amended claim 107 and claims that depend there from are novel over Glynn in view of Mucciacciaro.

With respect to the claims withdrawn by the Examiner, because Yarin is not a proper prior art reference as explained in the previous sections of this Office Action response, at least claim 1 and claims that depend there from should be allowed over the art currently cited and therefore there may still be an allowable generic claim to cover the claims withdrawn by the Examiner. If the Examiner agrees that Yarin is not a prior art reference to at least some of the claims as discussed above, Applicant requests that the Examiner reinstate the withdrawn claims that are affected by the different status of Yarin. To this end please see the arguments related to generic claims in the previous response to Office Action.

Applicant has introduced no new matter in making the above amendments and antecedent basis exists in the specification and claims as originally filed for each amendment. In view of the above amendments and remarks, Applicant believes claims 1, 2, 4, 5, 7-10, 15, 17, 22-29, 33, 36 and 107-108 of the present application recite patentable subject matter and allowance of the same is requested.

In addition, Applicant believes that at least some of the originally filed claims in this application are generic to several of the embodiments and that at least some of those generic claims are allowable over the art of record as at least some of the species covered by the generic claims are supported by the parent specification that predates Yarin. Here, Applicant requests that if the Examiner determines that at least some of the claims are generic and allowable over the art considered by the Examiner, that the Examiner reinstate any withdrawn claims that are covered by the generic claims.

Carlos de la Huerga
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AMENDMENT
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A three month extension fee for response is authorized here and in an accompanying fee form. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

CARLOS DE LA HUERGA

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By: 
Michael A. Jaskolski
Reg. No. 37,551
Attorney for Applicant
QUARLES & BRADY, LLP
411 East Wisconsin Avenue
Milwaukee, WI. 53202-4497
(414) 277-5711